HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

LETTERS PATENT APPEAL NO. 22 OF 2007.
WITH
CIVIL APPLI. (L) NO. 335 OF 2006.

Sanmitra Sahakari Bhadekaru
Malakihakka Grihanirman
Sanstha Ltd. ..Appellant.

Versus.

Dilip Prithviraj Kucheria. ..Respondents

Mr. Uday Warunjikar for the appellant.

Mr. C. G. Gavnekar for the respondent.

CORAM: S. B. MHASE &
SMT. NISHITA MHATRE, JJ.

DATE: FEBRUARY 27, 2007.

P.C.

1. Heard Mr. Uday Warunjikar learned counsel for the appellant. It is an admitted fact that the respondent has preferd an application for membership of the society on 15th January 1998 and on the said application within 15 days and/or within three months from the receipt of the application no decision has been taken by the society. Under sub-section 8(3) of section 22 of the Maharashtra Co-operative Societies Act, 1960 the respondent has acquired a deemed membership and is deemed to be admitted to the membership of the society,

and similar are the observations of the learned Single Judge. Under these circumstances the claim of Mr. Uday Warunjikar, the learned counsel for the petitioner that wrong section, i.e., section 23(1) has been invoked or the Registrar should not have invoked the powers carries no weightage with us. Therefore, we refrain ourselves from entertaining this appeal. Accordingly, appeal is dismissed.

2. In view of the disposal of the main appeal, civil application does not survive and it is accordingly disposed of.

(SMT. NISHITA MHATRE, J.) **(S.B.MHASE, J.)**

:sachin/2007/nnm/..